

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02415-RDM**

LEOPOLD et al v. U.S. IMMIGRATION & CUSTOMS
ENFORCEMENT et al
Assigned to: Judge Randolph D. Moss
Cause: 05:552 Freedom of Information Act

Date Filed: 10/22/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JASON LEOPOLD

represented by **Merrick Jason Wayne**
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Plaintiff

BUZZFEED, INC.

represented by **Merrick Jason Wayne**
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Matthew Topic
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V.

Defendant

**U.S. IMMIGRATION & CUSTOMS
ENFORCEMENT**

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TERMINATED: 04/06/2020

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Defendant

**U.S. DEPARTMENT OF
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Michael A. Tilghman
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Defendant

**U.S. CUSTOMS & BORDER
PROTECTION**

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Defendant

**U.S. CITIZENSHIP &
IMMIGRATION SERVICES**

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TERMINATED: 04/06/2020

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Date Filed	#	Docket Text
10/22/2018	<u>1</u>	COMPLAINT against U.S. CITIZENSHIP & IMMIGRATION SERVICES, U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (Filing fee \$ 400 receipt number 0090-5751963) filed by JASON LEOPOLD, BUZZFEED INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Civil Cover Sheet Civil Cover Sheet, # <u>8</u> Summons Summons)(Topic, Matthew) (Entered: 10/22/2018)

10/22/2018	<u>2</u>	NOTICE of Appearance by Matthew Topic on behalf of BUZZFEED INC., JASON LEOPOLD (Topic, Matthew) (Entered: 10/22/2018)
10/22/2018		Case Assigned to Judge Randolph D. Moss. (zmd) (Entered: 10/24/2018)
10/24/2018	<u>3</u>	SUMMONS (6) Issued Electronically as to U.S. CITIZENSHIP & IMMIGRATION SERVICES, U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent)(zjd) (Entered: 10/24/2018)
10/24/2018	<u>4</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the attached Standing Order. See document for details. Signed by Judge Randolph D. Moss on 10/24/2018. (lcrdm2,) (Entered: 10/24/2018)
11/28/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. CUSTOMS & BORDER PROTECTION served on 11/7/2018 (Topic, Matthew) (Entered: 11/28/2018)
11/28/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. CITIZENSHIP & IMMIGRATION SERVICES served on 11/6/2018 (Topic, Matthew) (Entered: 11/28/2018)
11/28/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HOMELAND SECURITY served on 11/7/2018 (Topic, Matthew) (Entered: 11/28/2018)
11/28/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. IMMIGRATION & CUSTOMS ENFORCEMENT served on 11/19/2018 (Topic, Matthew) (Entered: 11/28/2018)
11/28/2018	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/8/2018. (Topic, Matthew) (Entered: 11/28/2018)
11/28/2018	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/8/2018. Answer due for ALL FEDERAL DEFENDANTS by 12/8/2018. (Topic, Matthew) (Entered: 11/28/2018)
12/10/2018	<u>11</u>	ANSWER to Complaint by U.S. CITIZENSHIP & IMMIGRATION SERVICES, U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT.(Braswell, Marina) (Entered: 12/10/2018)
12/11/2018		MINUTE ORDER: The parties are hereby ORDERED to appear for an Initial Scheduling Conference on January 4, 2019, at 10:15 a.m. in Courtroom 21. It is further ORDERED that the parties shall confer in advance of the Initial Scheduling Conference on (1) whether any records can be released, and (2) the proper next steps in this litigation. Signed by Judge Randolph D. Moss on 12/11/2018. (lcrdm2,) (Entered: 12/11/2018)
12/12/2018		Set/Reset Hearings: Initial Scheduling Conference set for 1/4/2019, at 10:15 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) Modified on 12/17/2018 to correct date (year)(kt). (Entered: 12/12/2018)
12/26/2018	<u>12</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of U.S. CITIZENSHIP & IMMIGRATION SERVICES, U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (Braswell, Marina) (Entered: 12/26/2018)
12/28/2018	<u>13</u>	Unopposed MOTION to Continue <i>the January 4, 2019, Scheduling Conference</i> by U.S. CITIZENSHIP & IMMIGRATION SERVICES, U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (Braswell, Marina). (Entered: 12/28/2018)
12/30/2018		MINUTE ORDER: Upon consideration of Defendants' motion to continue the January 4, 2019 Initial Status Conference and to stay the case, Dkt. <u>13</u> , it is hereby ORDERED

		that the motion is GRANTED. The January 4, 2019 ISC is hereby VACATED and this case shall be stayed until further order of the Court. It is further ORDERED that the parties shall meet and confer and submit a proposed date for an initial status conference as soon as Congress appropriates funding for the Department of Justice to resume work. Signed by Judge Randolph D. Moss on 12/30/2018. (lcrdm2,) (Entered: 12/30/2018)
12/31/2018		Case STAYED. (kt) (Entered: 12/31/2018)
02/06/2019	<u>14</u>	Joint STATUS REPORT by BUZZFEED INC., JASON LEOPOLD. (Topic, Matthew) (Entered: 02/06/2019)
02/06/2019		MINUTE ORDER: Given that funding has been restored for the Department of Justice, it is hereby ORDERED that the stay in this case is lifted. It is further ORDERED that the parties shall appear for an Initial Scheduling Conference on March 6, 2019 at 10:30 a.m. in Courtroom 21. It is further ORDERED that the parties shall confer in advance of the Initial Scheduling Conference on (1) whether any records can be released, and (2) the proper next steps in this litigation. Signed by Judge Randolph D. Moss on 2/6/2019. (lcrdm2,) (Entered: 02/06/2019)
03/06/2019		Minute Entry for proceedings held before Judge Randolph D. Moss: Initial Scheduling Conference held on 3/6/2019. Oral motion by Defendant to file an Amended Answer; GRANTED, for the reasons stated on the record. Joint Status Report due by 5/1/2019. (Court Reporter: Jeff Hook.) (kt) (Entered: 03/06/2019)
03/20/2019	<u>15</u>	Amended ANSWER to Complaint by U.S. CITIZENSHIP & IMMIGRATION SERVICES, U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT.(Braswell, Marina) (Entered: 03/20/2019)
03/25/2019	<u>16</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by BUZZFEED INC., JASON LEOPOLD (Topic, Matthew) (Entered: 03/25/2019)
05/01/2019	<u>17</u>	Joint STATUS REPORT by U.S. CITIZENSHIP & IMMIGRATION SERVICES, U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT. (Braswell, Marina) (Entered: 05/01/2019)
05/02/2019		MINUTE ORDER: In light of the parties' joint status report, Dkt. 17, it is hereby ORDERED that Defendants shall provide the Plaintiff with declarations explaining any searches performed seeking responsive records on or before June 14, 2019, and it is further ORDERED that the parties shall file a further joint status report on or before June 28, 2019. Signed by Judge Randolph D. Moss on 5/2/2019. (lcrdm2,) (Entered: 05/02/2019)
05/03/2019		Set/Reset Deadlines: Defendants shall provide the Plaintiff with declarations explaining any searches performed seeking responsive records on or before 6/14/2019; Joint Status Report due by 6/28/2019. (kt) (Entered: 05/03/2019)
06/28/2019	<u>18</u>	Joint STATUS REPORT by U.S. CITIZENSHIP & IMMIGRATION SERVICES, U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT. (Braswell, Marina) (Entered: 06/28/2019)
07/01/2019		MINUTE ORDER: In light of the parties' joint status report, Dkt. 18, it is hereby ORDERED that the parties shall submit a further joint status report on or before July 26, 2019, updating the Court on the status of this case and proposing a schedule for further proceedings, if any. Signed by Judge Randolph D. Moss on 7/1/2019. (lcrdm2,) (Entered: 07/01/2019)
07/02/2019		Set/Reset Deadlines: Joint Status Report due by 7/26/2019. (kt) (Entered: 07/02/2019)
07/26/2019	<u>19</u>	Joint STATUS REPORT by U.S. CITIZENSHIP & IMMIGRATION SERVICES, U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT. (Braswell, Marina) (Entered: 07/26/2019)

08/05/2019		MINUTE ORDER: In light of the parties' joint status report <u>19</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before September 12, 2019. Signed by Judge Randolph D. Moss on 08/05/2019. (lcrdm2,) (Entered: 08/05/2019)
08/06/2019		Set/Reset Deadlines: Joint Status Report due by 9/12/2019. (kt) (Entered: 08/06/2019)
08/06/2019	<u>20</u>	NOTICE of Appearance by Merrick Jason Wayne on behalf of BUZZFEED INC., JASON LEOPOLD (Wayne, Merrick) (Entered: 08/06/2019)
09/12/2019	<u>21</u>	Joint STATUS REPORT by U.S. CITIZENSHIP & IMMIGRATION SERVICES, U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT. (Braswell, Marina) (Entered: 09/12/2019)
09/13/2019		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>21</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before October 30, 2019. Signed by Judge Randolph D. Moss on 09/13/2019. (lcrdm2,) (Entered: 09/13/2019)
09/13/2019		Set/Reset Deadlines: Joint Status Report due by 10/30/2019. (kt) (Entered: 09/13/2019)
10/30/2019	<u>22</u>	Unopposed MOTION for Extension of Time to File <i>Joint Status Report</i> by U.S. CITIZENSHIP & IMMIGRATION SERVICES, U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (Braswell, Marina) (Entered: 10/30/2019)
11/04/2019		MINUTE ORDER: Upon consideration of the Defendant's unopposed motion for extension of time, Dkt. 22, it is hereby ORDERED that the motion is GRANTED. The parties' joint status report currently due on or before October 30, 2019, shall now be due on or before November 15, 2019. Signed by Judge Randolph D. Moss on 11/4/2019. (lcrdm2,) (Entered: 11/04/2019)
11/15/2019	<u>23</u>	Joint STATUS REPORT by BUZZFEED INC., JASON LEOPOLD. (Attachments: # <u>1</u> Text of Proposed Order)(Topic, Matthew) (Entered: 11/15/2019)
11/19/2019		MINUTE ORDER: In light of the parties' joint status report, Dkt. 23, the parties are hereby ORDERED to appear for a status conference on November 21, 2019, at 12:00p.m. in Courtroom 21. The parties should be prepared to discuss the anticipated scope of the parties' proposed briefing, including the nature of the disputes on which the parties have not been able to reach an agreement. Signed by Judge Randolph D. Moss on 11/19/2019. (lcrdm2,) (Entered: 11/19/2019)
11/19/2019	<u>24</u>	Unopposed MOTION to Continue <i>Status Conference</i> , Unopposed MOTION for Leave to Appear by Telephone by BUZZFEED INC., JASON LEOPOLD (Attachments: # <u>1</u> Text of Proposed Order)(Topic, Matthew) (Entered: 11/19/2019)
11/20/2019		MINUTE ORDER: Upon consideration of Unopposed Motion to Continue Status Conference and for Counsel for Plaintiffs to Appear Telephonically, Dkt. 24, it is hereby ORDERED that the motion is GRANTED in part and DENIED in part. The Status Conference set for November 21, 2019 is hereby VACATED and RESCHEDULED for December 2, 2019, at 3:00p.m, in Courtroom 21. Counsel may elect to appear telephonically. Any counsel who elects to do so shall contact the deputy clerk for instructions. Signed by Judge Randolph D. Moss on 11/20/2019. (lcrdm2,) (Entered: 11/20/2019)
11/20/2019		Set/Reset Hearings: The Status Conference set for 11/21/2019 is VACATED and RESCHEDULED for 12/2/2019, at 3:00 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 11/20/2019)
12/02/2019		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 12/2/2019. The parties shall sufficiently engage in the exchange of information and file a Joint Status Report by 1/17/2020. Defendants shall provide any further information to Plaintiffs by 1/31/2020. (Court Reporter: Nancy Meyer.) (kt) (Entered: 12/02/2019)

01/17/2020	<u>25</u>	Joint STATUS REPORT by BUZZFEED INC., JASON LEOPOLD. (Topic, Matthew) (Entered: 01/17/2020)
01/22/2020		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. 25, it is hereby ORDERED that the parties shall file a further joint status report on or before February 21, 2020, apprising the Court whether the sole remaining issue has been resolved and identifying the proper next steps in this litigation. Signed by Judge Randolph D. Moss on 01/22/2020. (lcrdm2,) (Entered: 01/22/2020)
01/23/2020		MINUTE ORDER: The parties are hereby ORDERED to comply with the terms of the Court's revised standing order, which is available on the Court's website. Click for details . Signed by Judge Randolph D. Moss on 01/23/2020. (lcrdm2,) (Entered: 01/23/2020)
02/21/2020	<u>26</u>	Joint STATUS REPORT by BUZZFEED INC., JASON LEOPOLD. (Topic, Matthew) (Entered: 02/21/2020)
02/25/2020		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. 26, it is hereby ORDERED that the parties shall file a further joint status report on or before April 6, 2020, which shall update the Court regarding the status of the processing of Plaintiff's FOIA request, any agreements or issues between the parties and a recommendation for further proceedings. Signed by Judge Randolph D. Moss on 02/25/2020. (lcrdm2,) Modified on 3/6/2020 to edit typo (kt). (Entered: 02/25/2020)
04/06/2020	<u>27</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Brenda A. Gonzalez on behalf of U.S. CITIZENSHIP & IMMIGRATION SERVICES, U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT Substituting for attorney Marina Utgoff Braswell (Gonzalez, Brenda) (Entered: 04/06/2020)
04/06/2020	<u>28</u>	Joint STATUS REPORT by U.S. CITIZENSHIP & IMMIGRATION SERVICES, U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT. (Gonzalez, Brenda) (Entered: 04/06/2020)
04/06/2020		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. 28, it is hereby ORDERED that the parties shall file a further joint status report on or before June 5, 2020, which shall update the Court regarding the status of Plaintiff's FOIA request, and shall propose a recommendation for further proceedings. The parties are further DIRECTED to review the Court's updated Standing Order, <i>see</i> Minute Order (Jan. 23, 2020), including the instructions parties are to follow when briefing motions for summary judgment. Signed by Judge Randolph D. Moss on 04/06/2020. (lcrdm2,) (Entered: 04/06/2020)
06/05/2020	<u>29</u>	Joint STATUS REPORT by U.S. CITIZENSHIP & IMMIGRATION SERVICES, U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT. (Gonzalez, Brenda) (Entered: 06/05/2020)
06/05/2020	<u>30</u>	NOTICE of Appearance by Michael A. Tilghman on behalf of U.S. CITIZENSHIP & IMMIGRATION SERVICES, U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (Tilghman, Michael) (Entered: 06/05/2020)
06/09/2020		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. 29, it is hereby ORDERED that Defendant shall file a short notice setting forth the basis for its anticipated motion for summary judgment on or before June 30, 2020, and Plaintiff shall submit a short notice setting forth its intended response and anticipated cross motion on or before July 7, 2020. It is further ORDERED that the parties shall appear for a telephonic pre-motions conference on July 15, 2020, at 10:00 a.m. Signed by Judge Randolph D. Moss on 06/09/2020. (lcrdm2,) Modified on 6/10/2020 to add "telephonic" hearing(kt). (Entered: 06/09/2020)
06/09/2020		ENTERED IN ERROR.....Set/Reset Hearings: Pre-motion Conference set for 7/15/2020 at 10:00 AM in Courtroom 21 before Judge Randolph D. Moss. (zcal) Modified on 6/10/2020 hearing to be held telephonically (kt). (Entered: 06/09/2020)

06/09/2020	<u>31</u>	MOTION for Leave to Appear by Telephone by BUZZFEED, INC., JASON LEOPOLD (Attachments: # <u>1</u> Text of Proposed Order)(Topic, Matthew) (Entered: 06/09/2020)
06/30/2020	<u>32</u>	NOTICE of Defendant's Basis for its Anticipated Motion for Summary Judgment by U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (Tilghman, Michael) (Entered: 06/30/2020)
07/07/2020	<u>33</u>	RESPONSE re <u>32</u> Notice (Other) <i>Plaintiff's Response to Defendant's Pre-Motion Filing</i> filed by BUZZFEED, INC., JASON LEOPOLD. (Topic, Matthew) (Entered: 07/07/2020)